

**Town of Gorham**  
**Planning Board Minutes**  
**October 17, 2013**

**Members Present:** Michael Guay, Wayne Flynn, Paul Robitaille, Earl McGillicuddy, Michael Waddell and Reuben Rajala (7:15)

**Absent:** John Losier

**Excused:** Barney Valliere and Dan Buteau

**Members of the Public Present:** John Scarinza (Code Enforcement), Sally Brassill (Top Notch Prop Mgmt), Odd Bersvendson (Top Notch Prop Mgmt), Jason Hunter, Brian Lariviere, Robert Balon, Burke York, Tom Maniscalco, Gerard & Carolyn Ramsey

**Call to order:** The meeting was called to order at 7:05 by Chairman Guay.

**Acceptance of Minutes of September 19, 2013:** On a motion from Wayne with a second from Paul Robitaille, all members, except Mike Waddell who abstained, voted to accept the minutes as presented.

**Continuation of Case #03-2013 – Lot Line Adjustment – Lot Merger: Brouillette/Boisclair/Kelley/Munce**  
There has been no further information regarding this case. At the board's previous meeting, the board voted to extend the deadline in this case to the 3<sup>rd</sup> Thursday in December. On a motion from Mike Waddell with a second from Paul Robitaille, the board voted to continue the case to their November 21, 2013 meeting. Wayne Flynn abstained.

**Continuation of Case #05-2013 – 443 Main Street** – Paul Robitaille informed the board that the applicant that originally brought this case to the board is no longer involved in the project. The Town Manager has made repeated attempts to contact the new point of contact with no success. It was his recommendation that the board no longer carry this case on their agenda and once the owners are ready to proceed, they would need to complete a new application. Paul then made a motion to no longer continue this case which received a second from Mike Waddell and all members voted in favor of the motion.

**Old Business:**

- 1) **Lot Merge for Eichler** – There is no new information from Town Council regarding this issue.
- 2) **Tara Bamford of NCC** - Chairman Guay passed out the most recent changes from Tara Bamford regarding changes the board discussed on Subdivision Regulations. The board members will review them and discuss them at their November 21, 2013 meeting.
- 3) **Conference attendance** - Wayne Flynn attended a conference regarding adding conditions to plats that are defensible. There were two issues that he brought to the board. One of the items that was

discussed at the conference pertained to making conditions on plats that had no bearing on the actual development (ie, a plan for a new business and the board makes it a condition that the Town get a new fire truck). The second pertained more to the Zoning Board of Adjustment. If the ZBA votes to grant a variance it was always understood that the variance went with the land in perpetuity. There is now a statutory provision that states if a project is not started within 2 years, then the variance becomes null and void. Wayne will contact the attorney from NHMA for further info. He will also bring copies of the handout for the board. He also pointed out to the board that if a variance is granted for a mother-in-law unit, (ie a separate living unit specifically for an elderly or disabled family member) it cannot be a requirement that it must be removed once it is no longer used for that purpose. Currently the Town's ordinance does state this and the board will need to address this issue.

- 4) **Parking Spaces** - Wayne received information from Merrimack and Lebanon regarding parking at daycare facilities and both towns require 1 space for each employee and 1 space for each 8 attendees during their busiest time. He also received a link to The Institute of Transportation that recommends 3.16 spaces for each 1,000 square feet and .24 spaces per student plus 1.38 spaces per employee. John spoke with the engineer for the Family Resource Center regarding this issue. When they are ready, they will draft the plan and see if the current requirement in the Commercial section of the ordinance is adequate. If not, they will approach the board.
- 5) **Gravel Pits** – Michelle brought to the boards attention that though 155E is the law, the board does not appear to have anything regarding a permit application, permit nor reclamation plans concerning gravel pits. She has had several discussions with the DRA Gravel Tax appraiser (Mary Pinkham-Langer) who has indicated that she would be willing to attend a planning board meeting to discuss the process and permitting. The board believes that at one point there were permits and/or regulations that the board adopted but they have not been used in many years and that having DRA attend a meeting was a good idea. Michelle will contact DRA for a meeting sometime the beginning of 2014.

#### **Case #06-2013 – Top Notch Inn & Prop Mgmt – Site Plan Review**

Chairman Guay appointed Reuben Rajala to sit in place of Barney Valliere as a full voting member.

At the board's prior meeting it was recommended that this case go to the ZBA for a variance. However, the chairman of the ZBA felt that it was not something that the board had jurisdiction to hear as this was addressed during the Duncan case previously and the town's attorney's opinion is that the ZBA cannot grant a variance from a definition. The ZBA did not put it on their agenda and the board did not meet prior to this meeting. Mike Waddell questioned why this would be different than the Duncan case and if they didn't need a variance, why would this case. He felt that this was less questionable than the Duncan Case and doesn't see language that would require a variance. After some discussion, Mike Waddell made a motion that as it appears the sense of the board is not to require a variance, the board should proceed. The motion received a second from Earl McGillicuddy. All members voted in favor, Wayne Flynn opposed. Burke York proceeded to present the case. The property at 259 Main Street will be renovated from a single family home to an extension of the Top Notch Inn. The access will remain the same, the garage will be removed, the driveway will be narrowed and made of a pervious material and will be sloped toward the property and away from the abutters. On the Easterly side, a 4' fence will be added and will become an extension of the current fence on the easterly (Ramsey) property.

The Main Street and Wight Street sides will have a 4' rail fence installed and a 6' stockade fence will be installed at the rear of the property facing the southerly neighbor (Corrigan). The chairman asked if there was anyone present from the public who wished to speak in favor or against, there were none. The board went through the Site Plan Review checklist. Mike Waddell made a motion to approve the plan as presented with the condition the fees be paid. The motion received a second from Paul Robitaille. All members voted in favor, Wayne Flynn opposed.

**New Business:**

**Tom Maniscalco** asked the board about Involuntarily Merged Lots as he has some issues with the trailer park he currently resides in and he wondered what the process would be regarding this. Michelle Lutz informed him that the "owner" of a property whose lots were involuntarily merged would need to send a request to the Town in writing prior to a date certain stating they wanted the merge reversed. Tom will contact Michelle to get a copy of the statute. After much discussion regarding hydrologic reports and other perceived issues, the board felt there was nothing they could help him with and suggested he contact an attorney to handle any civil issues he may have.

**Next Meeting:** The next meeting is scheduled for November 21, 2013.

**Adjournment:** A motion to adjourn was made by Paul Robitaille which received a second from Wayne. All were in favor. Meeting adjourned @ 8:30 p.m.

Respectfully submitted,

Michelle M. Lutz